

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

NO. 4:15-CR-73-10

DERRICK JONES

ORDER

On September 8, 2023, approximately five years after this Court sentenced Derrick Jones, Imhotep Alkebu-lan filed a “Notice of Appearance” identifying himself “as an attorney of record for [Jones].” Doc. #870 at 1. On December 8, 2023, the Court denied Alkebu-lan’s motion for “an Order permitting the Disclosure of the Pre-sentencing Report to [him as Jones’] counsel of record” (which Alkebu-lan represented was “in anticipation of a motion for a modification of an imposed term of imprisonment under 18 U.S.C. § 3582(c)(1)(A)(i) or any other applicable statute or law”) because (1) Alkebu-lan did not state in the motion that Jones’ counsel of record since June 9, 2016, Robert Davis, was unavailable or that Jones was unable to recall the presentence report; (2) there is no pending § 3582(c) motion; (3) there is nothing on the record by Jones indicating he retained Alkebu-lan to pursue such a motion or consents to the presentence report being disclosed to him; (4) the presentence report is filed under seal; and (5) the Court requires more given the nature of Jones’ crimes and the circumstances surrounding Jones’ crimes. Doc. #872 at 2–4.

On December 13, 2023, Alkebu-lan filed a “Motion for the Court to Order Defendant’s Prior Counsel to Disclose the Pre-Sentence Investigative Report to Defendant’s Present Counsel,” referencing himself as “present counsel” and Davis as “prior counsel.”¹ Doc. #873. As cause,

¹ This motion, like Alkebu-lan’s first motion, violates Local Rule 47(A).

Alkebu-lan represents:

Jones has requested his prior counsel disclose the PSI report to [Alkebu-lan]. Davis responded that he could not disclose the report provided to him under seal. He is strictly ordered not to give them to his client or show them to a third party. And based on his understanding of the Court's directives, he cannot release them to anyone without an order allowing him to do so.

Davis is unavailable believe [sic] he believes he can not release the report to anyone without an order allowing him to do so. The Defendant requests the Court issue an Order ordering Jones' prior counsel ... to disclose the Pre-Sentence Investigative Report to Jones' present ... counsel.

This request is made in preparation of a motion for a modification of an imposed term of imprisonment under 18 U.S.C. §3582(c)(1)(A)(i) or any other applicable statute or law.

Id. at 2–3 (paragraph numbering omitted).²

Beyond representing that “Davis is unavailable,” Alkebu-lan fails to address the other reasons the Court articulated in its December 8 order denying his first motion asking the presentence report to be disclosed to him and he cites no authority in support of the relief he seeks. *See generally id.* More, Alkebu-lan does not explain why the presentence report is necessary for a § 3582(c) motion (or for any motion under “any other applicable statute or law”) on Jones’ behalf, *id.* at 2–3, and no such motion still has yet to be filed. Consequently,³ the “Motion for the Court to Order Defendant’s Prior Counsel to Disclose the Pre-Sentence Investigative Report to

² Davis responded the same day that

[w]hile [he] has not been contacted directly by Mr. Jones, Mr. Alkebu-lan has made the above referenced request via email on Mr. Jones’s behalf. [He] does indeed take the position that he is not permitted to give a copy of the Presentence Investigation Report to [Jones], to Mr. Alkebu-lan, or to any other third party without express written leave of the Court. [He] also takes the position that he may not discuss the contents of the Presentence Investigation Report with Mr. Alkebu-lan, or with any other third party, without express written leave of the Court. Consequently, [he] respectfully declined to provide a copy of the report to either Mr. Jones, or to Mr. Alkebu-lan. Further, [he] respectfully declined to discuss the contents of the report with Mr. Alkebu-lan.

Doc. #874 at 1–2.

³ In this multi-defendant case in which Jones was one of ten defendants charged, the Court is also mindful of the reasons underlying the December 7, 2015, protective order.

Defendant's Present Counsel" [873] is **DENIED**.

SO ORDERED, this 2nd day of January, 2024.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE